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Amendment No. 1 to HB2039

**Armstrong
Signature of Sponsor**

AMEND Senate Bill No. 1941

House Bill No. 2039*

by deleting all language after the enacting clause and by substituting instead the following new language:

SECTION 1. Tennessee Code Annotated, Section 71-3-503(a), is amended by deleting subdivisions (8) and (9) in their entireties, by substituting instead the following new language, and by re-designating the remaining subdivisions accordingly:

(8)(A) The programs or activities, and the facilities in which they operate, described in subdivision (8)(B), the primary purpose of which is to provide such programs or activities, and not to provide child care as defined in § 71-3-501, for a substantial portion of the calendar day, or for a substantial portion of the total time reasonably allocated to the program or activity during a calendar day, as determined by the department, and which:

- (i) are operated, or are primarily supported, by a public school system; or
- (ii) exclusively provide programs or activities for, or services to, children five (5) years of age, who are in kindergarten or older, and that operate or otherwise offer programs, activities or services to any individual child, for fewer than a total of one hundred twenty (120) days per calendar year; or
- (iii) may include programs or activities for, or services to, children who are under five (5) years of age, who are not in kindergarten, and that operate or otherwise offer programs, activities or services to any individual child, for fewer than a total of ninety (90) days per calendar year, regardless of whether such programs, activities, or

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services may additionally include children five (5) years of age who are in kindergarten or older.

(B) The following programs that meet the criteria of subdivision (8)(A) are exempted from licensing as a child care agency by this subdivision:

- (i) Recreational, physical education or athletic training programs and/or activities;
- (ii) Arts and/or crafts activities;
- (iii) Educational and/or recreational activities associated with or sponsored by religious entities;
- (iv) Public or private camps, or those associated with religious entities;
- (v) Organizations, and/or the facilities housing the programs, which provide such specialized activities for disabled children; and
- (vi) Other similar programs, activities or businesses, as determined by the department.

SECTION 2. Tennessee Code Annotated, Section 71-3-503(a)(11)(C), is amended by deleting the language “(a)(11)(A) and (a)(11)(B)” and by substituting instead the language “(a)(10)(A) and (a)(10)(B)”.

SECTION 3. Tennessee Code Annotated, Section 71-3-503(b), is amended by deleting subdivision (1) in its entirety and by substituting instead the following new language:

- (1) Exempt programs under subdivisions (a)(4), (a)(7), and (a)(9) shall:

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(A) Post a sign in a conspicuous manner, easily viewable by the public, stating: "This facility [or program or activity] is not required to be licensed by the State of Tennessee as a child care agency"; and

(B) Post in a conspicuous manner, easily viewable by the public, an information sheet supplied by the department describing key differences between licensed and unlicensed child care services.

SECTION 4. Tennessee Code Annotated, Section 71-3-503(b)(2), is amended by deleting the language "(a)(10)" and by substituting instead the language "(a)(9)".

SECTION 5. Tennessee Code Annotated, Section 71-3-507(b)(5)(A), is amended by deleting the language "requested by the agency" and by substituting instead the language "requested by the child care agency".

SECTION 6. Tennessee Code Annotated, Section 71-3-502(a), is amended by adding the following as a new subdivision (7):

(7)(A) The existing implementation date of July 1, 2003 for the reduction of adult to child ratios and group sizes for the single-age grouping of children in child care centers as contained in Chapter 1240-4-3-.07(4)(e), parts 4 and 13, and in Chapter 1240-4-6-.07(4)(f)2, part 7, for children in the following age categories and their required group sizes shall be extended from July 1, 2003 to January 1, 2004:

- (i) Four (4) year old children;
- (ii) Five (5) year old children, who are not yet in kindergarten; and
- (iii) School-age children, who are in kindergarten and above.

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(B) The existing implementation date of July 1, 2003 for the reduction of adult to child ratios and group sizes for the multi-age grouping of children in child care centers as contained in Chapter 1240-4-3-.07(4)(e), part 14, and in Chapter 1240-4-6-.07(4)(f)2, part 8, for children in the following age categories and their required group sizes shall be extended from July 1, 2003 to January 1, 2004:

- (i) Three (3) to five (5) year old children;
- (ii) Four (4) to (5) year old children; and
- (iii) Five (5) through twelve (12) year old children.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.